

CLASSIFICATION OFFICE DECISION

Title of publication: lkhrcnt_20100212_002.jpg

Other known title(s): Not stated

OFLC ref: 1001128.000

Medium: Computer Image File Printout

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Unrestricted.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 26 July 2010

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file printout shows a young girl posing in underwear in what appears to be an amateur photographic studio. The girl is arguably "partially nude" because her underwear is slight and reveals her body to the camera. However, while her pose mirrors a 'glamour' modelling shot and is slightly provocative, it is not so sexual that the image is "reasonably capable as being regarded as sexual in nature". This means that the image cannot be said to deal with matters of sex in terms of s3(1A) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). As the publication does not deal with any s3(1) matters, nor does it raises any issues under s3A or s3B of the FVPC Act, it must therefore be classified as unrestricted. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.